

Ad Law News and Views - March 2025

March 26, 2025

UPCOMING WEBINAR

Privacy in Transactions: Common Challenges and Practical Solutions

Wednesday, March 26, 2025, from 2:00 p.m. - 3:00 p.m. ET

Privacy obligations are part of an immense variety of business agreements, and it's critical for parties to understand their obligations and how to manage them. Deal teams often juggle a wide range of issues, so it's important to focus on putting privacy in the right perspective when assessing risks and negotiating agreements. Rapid changes in privacy regulations and industry practices make these judgments especially difficult.

Join Partner [Aaron Burstein](#) for a discussion of common questions and practical approaches to managing privacy terms in transactions. Some of the issues for discussion include:

- How do you assess privacy risk in the context of a specific transaction?
- We're a processor under this agreement. Or a controller. Maybe both. Or neither. Help!
- Which personal data uses are safe to demand as (or grant to) a processor?
- What are the key considerations in managing privacy risk through indemnification?
- What are strategies to escalate privacy risks to leadership teams?

Register [Here](#).

IN THE NEWS AND LATEST UPDATES

Get these and other stories in real time when you subscribe to the Ad Law Access blog [here](#) or visit the Advertising and Privacy Law Resource Center [here](#).

[What's Next at FTC Following Firings of Democratic Commissioners?](#)

It's been a week since the [Trump administration fired](#) FTC Commissioners Slaughter and Bedoya because their "continued service on the FTC is inconsistent with . . . administration priorities." In the days since, we've been considering the consequences of the White House's action to the Commission and businesses subject to its jurisdiction, some of which are detailed [here](#) and [here](#).

Texting Lawsuits in Washington – A Reminder About State Laws

Most businesses that send texts to their target audiences are focused on compliance with the federal Telephone Consumer Protection Act (TCPA) – and understandably so, given the explosion in class action litigation stemming from the TCPA’s private right of action. However, outreach to consumers by phone, including texting, can also come under scrutiny under a patchwork of state laws, many of which have unique nuances that create compliance challenges.

Amazon Hit With Greenwashing Lawsuit

Last week, consumers in four states filed a proposed class action against Amazon, accusing the company of greenwashing by misleading consumers about the sustainability of the company’s Amazon Basics line of paper products. The 123-page complaint covers a lot of ground, but here are some of the key allegations.

Fraud Prevention, Worker Protection, and Fighting Alleged Big Tech Censorship: A Roundup of the New FTC’s Agenda after the First 50 Days

Yesterday, we [covered](#) President Trump’s firing of Democratic FTC Commissioners Alvaro Bedoya and Rebecca Slaughter and [explored](#) whether a two-member Commission constitutes a quorum for the agency to take formal action.

Today, we take a look at the FTC’s first 50 days under Chair Andrew Ferguson, reflecting on key developments and early insights relating to the agency’s consumer protection agenda. So far, the FTC has issued several business blog posts, formed two new task forces, initiated information-gathering efforts, and announced three new enforcement actions. While the new Commission leadership continues to shape its priorities, early indications suggest a strong focus on combating consumer fraud and scrutinizing content censorship practices by large technology companies.

NAD Considers Whether “Number 1” Claims Can be Qualified

DREO advertises that it is the “No. 1 Fan and Heater Brand” in the United States. Lasko, a competitor, thinks that it is, in fact, the “number 1” brand in both of those categories. Because there can’t be two “number 1” brands, Lasko filed a challenge before the NAD to dispute its competitor’s claims.

Click [Here](#) to Read More Latest News

AG CHRONICLES

Be sure to check out [AG Chronicles](#): a monthly newsletter breaking down State Attorneys General consumer protection issues and highlighting news from the states. You may subscribe [here](#).